

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN WAYS, JR.,
FRANK FIROZ,
CHRISTIAN FIROZ,
RHONDA DECAMP,
CONSTANCE HAGELSTEIN,
JOSHUA WELLBORN,
ALAN DAVIS,
MARK COONEY,
MICHAEL BLACKSTONE,
DAVID ROBERTS,

Defendant.

8:12CR391

ORDER

This matter is before the court on the motions for an extension of time by defendants Frank Firoz (Firoz) and Mark Cooney (Cooney) (Filing Nos. 116 and 119). Firoz and Cooney seek additional time in which to file pretrial motions in accordance with the progression order. Firoz has filed an affidavit consenting to the motion and acknowledging the additional time may be excluded from computations under the Speedy Trial Act (Filing No. 117). Cooney's counsel represents that Cooney will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted.

IT IS ORDERED:

Defendant Firoz's and Cooney's motions for an extension of time to file pretrial motions (Filing Nos. 116 and 119) are granted. Defendants Firoz and Cooney shall have until on or before **February 22, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **January 23, 2013 and February 22, 2013**, shall be deemed **excludable** time in any computation of time

under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

Dated this 23rd day of January, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge